

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	BERG, Hakan; <i>et al.</i>	Group Art Unit:	3772
Serial No.:	10/711,894	Confirmation No.	5893
Date Filed:	October 12, 2004	Examiner:	PATEL, Nihir B. (571) 272-4803
For:	METHOD AND ARRANGEMENT FOR SCAVENGING ESCAPE GAS		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CONTINGENT AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

On September 19, 2008, Applicants filed a Supplemental Amendment in response to the June 10, 2008 Final Office Action. Although Applicants did not pay for a one-month extension of time at that time, Applicants' representative did request any extensions of time deemed necessary and authorized the Office to charge the representative's deposit account for any required fees. See page 11 of the Supplemental Amendment.

Because the Examiner has not acted on the Supplemental Amendment in a timely manner as required under the M.P.E.P.,¹ Applicants have been forced to file a Notice of Appeal to maintain pendency of the application, which Notice of Appeal is being filed herewith. Assuming the Office has charged the deposit account for the first month extension, Applicants are now paying for the difference between one and three months extension of time. If, however, the Office has not charged the deposit account for the first month extension, Applicants' undersigned representative authorizes the Commissioner to charge any additional fees under 37

¹ See M.P.E.P. § 714.13: "Any amendment timely filed after a final rejection should be immediately considered to determine whether it places the application in condition for allowance or in better form for appeal. An examiner is expected to turn in a response to an amendment after final rejection within 10 calendar days from the time the amendment is received by the examiner. A reply to an amendment after final rejection should be mailed within 30 days of the date the amendment is received by the Office." According to PAIR, the Supplemental Amendment was forwarded to the Examiner on October 23, 2008, i.e., six weeks ago.

C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 8002.002.NPUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

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Respectfully submitted,

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